

REMARKS

Reconsideration of this application and the rejection of claims 1-18 is respectfully requested. Applicant has attempted to address every ground for rejection in the Final Office Action dated February 24, 2004 (Paper No. 6) and believes this application is now in condition for allowance or in better form for appeal.

As a preliminary matter, Applicant acknowledges the allowance of claims 19 and 20.

Claims 1-12 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 1 has been cancelled and Applicant respectfully submits that the §112 rejection should be withdrawn.

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bamberger (U.S. Patent No. 2,536,017) in view of Welch (U.S. Patent No. 4,317,578). Independent claim 1 and depending claims 2, 4 and 5, have been cancelled. The remaining claims originally depending from claim 1 have been amended to depend from allowed independent claim 19. Accordingly, the allowance of claims 3 and 6-12 is respectfully requested.

With regard to the rejection of claims 13-16, Claim 15 has been cancelled due to redundancy with claim 13. Further, Applicants traverse the rejection of claim 13 which recites, among other things, a housing “defining a central throughbore for rotatably receiving at least a portion of the flexible shaft wherein the flexible shaft has a collet nut affixed to a

free end, and said attachment formation is configured to circumscribe at least a portion of said collet nut.”

This feature is not disclosed or suggested by Bamberger. More specifically, Bamberger does not disclose or suggest an attachment formation configured to circumscribe at least a portion of the collet nut affixed at the free end. In Bamberger, the end cap 14 is elongated and the alleged attachment formation 12 is axially displaced a distance from the collet nut 71 such that the attachment formation clearly does not circumscribe a portion of the collet nut, as required by amended claim 13 (See FIG. 1 of Bamberger). Further, it would not be obvious to one of ordinary skill in the art to provide an attachment formation configured to circumscribe at least a portion of the collet nut, since the end cap provides a gripping area, and an elongated end cap provides ample space to accommodate a user’s hand. Thus, a shortened end cap, as presently claimed, that allows the attachment formation to circumscribe at least a portion of the collet nut would not be an obvious design choice. As such, the rejection is based on impermissible hindsight. In view of the foregoing, Applicant submits that amended claim 13 overcomes the rejection under 35 U.S.C. §103(a).

Applicant respectfully suggests that in the outstanding Action, the rejections evidence “picking and choosing” features of various references and combining them when there is no suggestion in those references to do so. It is impermissible within the framework of a 35 U.S.C. §103 rejection to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full


appreciation of what such reference fairly suggests to one skilled in the art. Furthermore, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. Teachings of references can be combined only if there is some suggestion or incentive to do so. None of these references, whether cited or of record, taken either alone or in combination, disclose or suggest the invention as claimed.

Claims 3, 6-12 and 20 depend from claim 19, and claims 14 and 16-18 depend from claim 13. These claims are believed allowable over the references of record for the same reasons set forth with respect to their parent claim since each sets forth additional structural elements and novel steps of Applicant's invention.

Allowance of the rejected claims is respectfully requested. In the alternative, the claims are submitted to be in better form for appeal. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, she is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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